

JOSEPH GRAHAM.

JULY 4, 1898.—Ordered to be printed.

Mr. PROCTOR, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 3056.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3056) to correct the military record of Joseph Graham, having had the same under consideration, beg leave to report as follows:

This bill was before the House during the present session, was favorably reported by its Committee on Military Affairs, with the added provision "that no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act," and was passed by the House as amended by the committee, May 3, 1898.

The House report (No. 877) so fully sets forth the facts and merits of the case that it is subjoined hereto, and is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3056) for the relief of Joseph Graham, have had the same under consideration and beg leave to report as follows:

The records of the War Department show that Joseph Graham enlisted as a private and was mustered into Company B, Seventeenth United States Infantry, on the 8th day of February, 1864, to serve three years. The records further show that he gave his age as 20½ years, while the testimony in the case shows him to have been but 16 years of age at the time of enlistment. There are also strong reasons for believing that the boy was deceived by the recruiting officer as to the character of the service in which he was enlisting; that he was led to believe he was enlisting in the volunteer service for three years, or during the war, whereas he was enlisted to serve three years in the Regular Army and was assigned to Company B, Seventeenth United States Infantry.

He is credited with faithful service until August 2, 1866, when he is charged with desertion.

The facts as gathered from the testimony appear to be that the claimant was seriously injured by the explosion of a mine in front of Petersburg, called the battle of the crater, or by too close proximity to shot or shell, or was overcome by heat. The diagnosis given in the hospital was "sunstroke." He was moved from one hospital to another until the spring of 1865, when he was sent to Harts Island, New York Harbor, at which place the regiment was recruiting. From there he was detailed to Capt. J. J. Emerson, at Springfield, Mass., at a recruiting station. Before the regiment was filled the war was over and he was sent back to Harts Island. From there his company was sent to Texas, and he endeavored to go with the company, but, being a sergeant in one of the new companies, he was detained at Harts Island.

In July, 1866, a disease resembling cholera broke out on the island, causing a great many deaths, and the officers and surgeons soon became either sick or tired out and the men were left to themselves. Graham had several attacks of the disease, and became so sick that food would not remain on his stomach, and he was kept alive by the use of brandy. While in that condition he asked Lieutenant Lancaster for a pass and received it, the lieutenant evidently believing that if he remained at the island he would soon be beyond the reach of a pass. He took the pass, went to New York City, and then began to think of returning home. He secured and drank some brandy, and then got on a train for Illinois, and was assisted through to Lamoille by the kindly aid of passengers on the train. Having no father or mother living, he went to the home of Richard Ough, who testifies to the fact of his coming, that he wore his uniform, that no effort at concealment was made, and that his wife, since deceased, nursed him through a long spell of typhoid fever, which disabled him from performing any sort of military service for at least eight or nine months, and until some months after his term of enlistment had expired.

Your committee submit that the facts as presented are entitled to fair consideration, and that they show an entire absence of any intention to desert his command, and the constant presence of a determination to do his duty on the part of the soldier, in spite of the deception by which he found himself in the Regular instead of the Volunteer Army, until, as the result of severe sickness at Harts Island, he believed himself in a dying condition and longed to reach his friends before death should occur.

In view of all these facts and the high character and standing of Graham as a citizen, which is abundantly testified to, your committee report the bill favorably and recommend that it do pass with the following amendment:

*"Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this Act."*

The foregoing your committee adopt, and recommend that the bill, as adopted by the House, do pass.